

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200310896

September 9, 2003

PUBLIC NOTICE

Slash Creek, LLC, C/O Mr. John W. Dixon, Post Office Box 1327, Nags Head, North Carolina, 27959, telephone (252) 441-2110, has applied for a Department of the Army (DA) permit TO DEVELOP A 46-SLIP PRIVATE MARINA AND RESIDENTIAL CONDOMINIUM COMPLEX, INCLUDING CONSTRUCTION OF A BULKHEAD, ONSITE WASTEWATER TREATMENT FACILITY, PARKING AREA, SWIMMING POOL, CLUBHOUSE, AND WALKWAYS, on property located on the east side of the intersection of N.C. Highway 12 and State Road 1241, adjacent to Slash Creek and the Pamlico Sound, in Hatteras Village, Dare County, North Carolina.

The following description of the project site is taken from data provided by the applicant and from observations made during onsite inspections by representatives of the Corps of Engineers. The project is located in Hatteras Village and consists of a 4.91-acre tract of land between N.C. Highway 12 and the Pamlico Sound. The existing elevation on the tract is approximately 3 feet above mean sea level and is zoned as General Commercial by the Dare County Planning Office. The tract has been maintained in predominately yard grasses and mature live oak trees for many years, but has recently been cleared for site preparation related to the proposed development. Wetland areas on and adjacent to the tract consist of high quality coastal marsh primarily vegetated with salt meadow grass, bulrush, black needlerush, big cordgrass, and salt marsh grass.

There is an existing, man-made boat basin on the property that provides boat access to Slash Creek and the Pamlico Sound. Water depths in the basin range from 1.5 feet to 5 feet below the normal water level. The water depths in Slash Creek range from 1-foot to 3.5 feet below the normal water level. The existing boat basin has been maintenance dredged in the past and has been primarily used for small fishing boat access. Slash Creek has not been previously dredged. The North Carolina Division of Water Quality has designated the waters of Slash Creek and the Pamlico Sound in the project area as SA Waters, but this area is closed to commercial shellfish harvesting due to elevated fecal coliform levels. The only man-made feature on the tract at this time is a 571- foot long bulkhead located within the existing boat basin.

Habitat types within Slash Creek and the Pamlico Sound include estuarine emergent wetlands, intertidal flats, and estuarine water column. According to sampling records compiled by the North Carolina Division of Marine Fisheries, approximately 21 species of finfish, three species of shrimp and blue crab can be found in this area. Sampling in this area also revealed scattered clams and oysters. The application does not include dredging of Slash Creek or the Pamlico Sound to facilitate access to the marina. The applicant states that the project has been designed to reduce impacts to aquatic organisms.

The applicant proposes to develop a 46-slip, private marina and residential condominium complex. The marina development includes the construction of 259 linear feet of bulkhead on the northwest side of the property at the approximate normal water line. The bulkhead will be backfilled with clean sand from an off-site source. Approximately 25 square feet of coastal wetland vegetation will be impacted by the bulkhead construction. The applicant does not propose compensatory mitigation at this time.

The 46-slip marina has been divided into three separate mooring areas. Thirty-eight slips will be located on the east side of the property and will be approximately eleven feet in width from piling to piling. The waterward end of the mooring pilings will be located twenty-two feet from the edge of the bulkhead. The remaining eight slips will be located on the north side of the property and will be developed as parallel slips. These slips will be thirty feet from piling edge to edge. There will be no mooring pilings associated with these slips. Boats utilizing this marina will range from approximately 17 feet to 25 feet in length. A 6-foot wide slotted wood dock is proposed to be constructed along the entire landward side of the bulkhead around the entire marina development. The project will include 39 finger piers and 79 mooring pilings located within the existing basin.

The upland development involves the construction of five condominium buildings which will include forty-five separate multifamily residential units. These units will have associated parking and site development, including a clubhouse, swimming pool, stormwater retention pond, landscape retaining walls and a wastewater treatment facility. This work will result in approximately 4 acres of land disturbance and create 65,200 square feet of impervious surface. Plans showing the proposed project are included with this public notice.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDQM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

Based upon available information, the District Engineer is aware that the proposed activity may affect species designated as endangered or threatened pursuant to the Endangered Species Act of 1973. These species include the manatee and the loggerhead sea turtle. The applicant is currently developing a response to these concerns.

Based upon available information, the District Engineer has determined that the proposed action may adversely impact Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service (50 CFR Part 600). These resources include habitat and postlarvae/juvenile and subadult species of brown and white shrimp, red drum, summer flounder, spotted seatrout, Atlantic croaker, spot, Atlantic menhaden, and striped mullet. The applicant is currently developing a response to these concerns.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.










To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

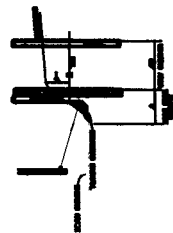
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, NCDWQ, Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

Written comments pertinent to the proposed work, as outlined above, will be received in the Washington Regulatory Field Office, Attn: Mr. Raleigh Bland, Post Office Box 1000, Washington, NC, 27889, until 4:15 p.m., October 9, 2003, or telephone (919) 975-1616, extension 23.

VICINITY MAP

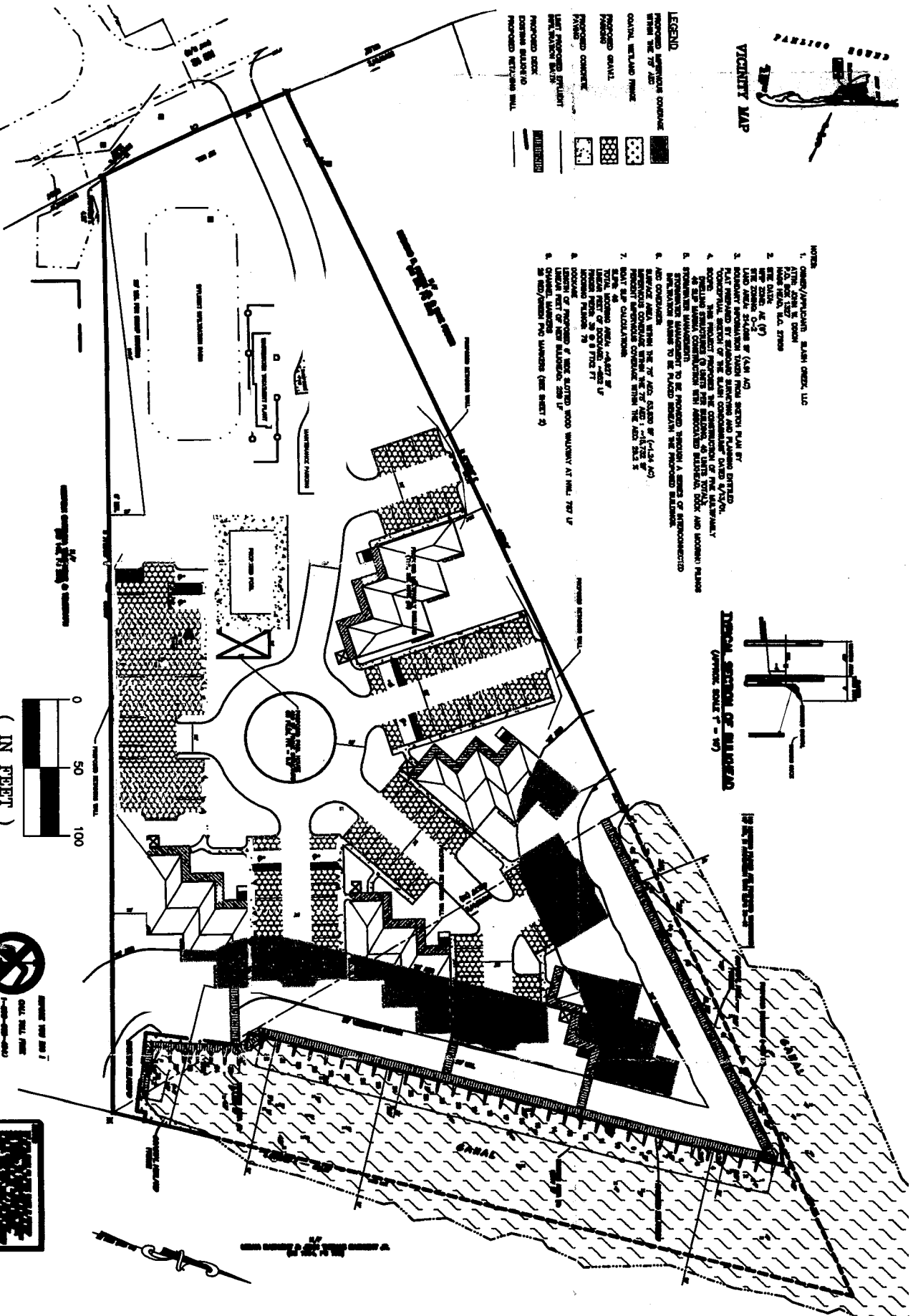
- LEGEND**
- | | |
|---|--------------------------|
|  | PROPOSED MORTUARY CHURCH |
|  | WITHIN 75' OF A/D |
|  | CATHOLIC WELFARE HOUSE |
|  | PROPOSED GRAVE |
|  | PROPOSED |
|  | PROPOSED CONCRETE PAVED |
|  | LEFT PROPOSED SPILLWAST |
|  | W/IN 75' OF A/D |
|  | PROPOSED RETAINING WALL |
- DATE** 11-1-88

- [illegible]



THEMEL SECTION OF BUILDING
(ATTACH SCALE 1" = 10')

THE UNIVERSITY OF CHICAGO PRESS



(IN FEET)

0 50 100

1 inch = 100 ft.



00070
 1-800-855-4622
 ONLY TELL FREE
 NUMBER YOU SEE!

MAJOR CAMA SITE PLAN
SLASH CONDOMINIUMS
INTERIOR DESIGN DATE CHART MARK CARLSON
Quibb & Associates, P.C.

5-22-62 STATED GENERAL INVESTIGATION (GALAG)
6-12-62 CHAIRMAN ORDERED TO REPLY NEW GENERAL INVEST
10-12-62 DENIED ENTRY LATERAL FROM INVEST
10-12-62 JOURNAL CHAIRMAN AND REPORTED STATE-STATE
2-1-63 SUMMARY OF CHAIRMAN FROM CHAIRS 20-21

